

REMARKS

Claims 1-13 are pending in the application. Claims 6 and 12 are canceled without prejudice or a disclaimer. Claims 1 and 7 are independent claims.

Claims 1, 2, 5, 7, 8, 9, 10, and 11 are amended such that each claim describes the present invention in structural language.

Claims 14 and 15 are added. The support for each claim can be found in the specification, at page 4, line 19 – page 5, line 4; and at page 8, line 3-5 and page 12, line 8-11.

Claim 1 and 7 stand rejected under 35 U.S.C §103(a) as allegedly being obvious over Chen *et al.* (U.S. Pub. 2003/0175030) (“Chen”) in view of Zhao (U.S. Pub. 2004/0208580).

Claim 1 recites an optical add/drop multiplexer comprising “a plurality of add/drop multiplexers..., **each of the add/drop multiplexers having a wavelength-independent reflector.**” Claim 7 recites an optical add/drop multiplexer containing a plurality of similar add/drop multiplexers.

The support for each claim can be found in the original claims 6 and 12.

To reject a claim under section 103, the United States Court of Appeals for the Federal Circuit required a showing of **an un rebutted prima facie case of obviousness** (*In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) (citing *In re Deuel*, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995))). According to United States Court of Customs and Patent Appeals, the predecessor to the Federal Circuit, the *prima facie* case can be established only if the prior art references, among others, **teach all features** in the claims (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1970); see also **MPEP 2143.03**).

In rejecting claim 1 and 7, the Patent Office acknowledges that the Chen does not teach an optical add/drop multiplexer comprising a plurality of add/drop multiplexers, where each of

the add/drop multiplexers having a wavelength-independent reflector (the present Office Action page 2-3). However, the Patent Office argues that claims 1 and 7 are not patentable as Zhao teaches an optical add-drop multiplexer containing a fiber Bragg grating (the “FBG”), the FBG which the Patent Office allege to be equivalent to a reflector (id.). In addition, the Patent Office indicates that such FBG, **the FBG which reflects only one particular wavelength λ_i** , is also a **wavelength-independent reflector** (see id. at page 4 and 6). As such, the Office Action indicates that Zhao remedies the deficiencies of Chen and that the combination of Chen and Zhao render claims 1 and 7 obvious.

As acknowledged by the Patent Office, Chen does not disclose an optical add/drop multiplexer comprising “a plurality of add/drop multiplexers..., **each of the add/drop multiplexers having a wavelength-independent reflector**,” as recited in claims 1 and 7.

Zhao, as read by the Applicant, discloses a re-configurable optical add-drop multiplexer containing at least one FBG, where the FBG receives a plurality of different wavelengths $\lambda_1 - \lambda_n$ and reflects only one particular wavelength λ_i ([0026]). The Applicant respectfully submits that such FBG is a wavelength-**dependent** reflector, not a wavelength-**independent** reflector, as reflectance of such FBG depends on the wavelength of the light incident upon its surface.

As such, Zhao, at most, discloses a re-configurable optical add-drop multiplexer containing at least one wavelength-dependent reflector. Zhao does not disclose or teach an optical add/drop multiplexer comprising “a plurality of add/drop multiplexers..., **each of the add/drop multiplexers having a wavelength-independent reflector**,” as recited in claims 1 and 7, and Zhao does not remedy the deficiency of Chen.

As both references fail to teach an optical add/drop multiplexer comprising “a plurality of add/drop multiplexers..., **each of the add/drop multiplexers having a wavelength-**

Amendment
Serial No. 10/686,860


independent reflector,” as recited in claims 1 and 7, the combination of the references do not render claims 1 and 7 obvious. The Applicant respectfully requests withdrawal of the rejections.

Other claims in this application are each dependent on the independent claims 1 and 7 and believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: 12-14-06

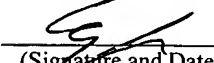

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Steve Cha, Registration No. 44,069
Cha & Reiter
210 Route 4 East, #103
Paramus, NJ 07652
Tel: 201-226-9245
Fax: 201-226-9246

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12-14-06.

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)